

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 JUL -7 AM 9:50

UNITED STATES OF AMERICA,  
Plaintiff

vs.

Alberto SOTO-Ulloa  
Defendant.

Magistrate's Case Number

08 MJ 2043

EC  
DEPUTY

COMPLAINT FOR VIOLATION OF:

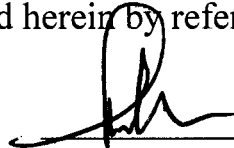
Title 21, United States Code  
Section(s) 952 and 960-  
Importation of a Controlled Substance  
(Felony):

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about July 5, 2008, within the Southern District of California, defendant Alberto SOTO-Ulloa did knowingly and intentionally import approximately 2017.48 pounds (917.04 kilograms) of marijuana, a schedule I controlled substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Sworn to before me and subscribed in my presence this 7th day of July, 2008.



UNITED STATES MAGISTRATE JUDGE

**AMENDED  
{STATEMENT OF FACTS}**

I, Special Agent Timothy Meadows, declare under penalty of perjury, the following is true and correct.

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On July 5, 2008, at approximately 1:01 P.M., Alberto SOTO-Ulloa applied for entry into the United States from Mexico at the Otay Mesa Commercial Port of Entry. SOTO-Ulloa was the operator of a 1983 Freightliner semi-tractor bearing California license plates 9D76517 in combination with a 1994 Fruehauf trailer bearing California license plates 4JZ5769. SOTO-Ulloa presented a Laser B-1/B-2 Visa Border Crosser Card to U.S. Customs and Border Protection Officer (CBPO) A. Romero. CBPO A. Romero asked for and received a negative Customs declaration. CBPO Mejia working the x-ray booth alongside CBPO A. Romero observed an anomaly in the front wall of the trailer and referred it to secondary for further inspection. CBPO Mejia notified the shift supervisor of the anomaly. Supervisor De La Cruz and CBPO San Miguel escorted the tractor-trailer to the intensive dock.

At approximately 1:05 P.M., CBP Chief Wilson asked SOTO-Ulloa where he was going. SOTO-Ulloa said Siempre Viva. Chief Wilson asked SOTO-Ulloa where exactly on Siempre Viva. SOTO-Ulloa stated that he had driven the truck to Mexico and while in Mexico someone had approached him in the "callejon" asking him to bring the trailer into the United States. SOTO-Ulloa told Chief Wilson someone would contact him and instruct him where to leave the trailer. Chief Wilson asked SOTO-Ulloa to open the trailer doors. Chief Wilson observed SOTO-Ulloa appeared to be nervous, his hands were shaking, he was unable to stand still and SOTO-Ulloa was speaking rapidly and could not stop fidgeting.

The tractor-trailer was taken to the intensive inspection dock for an intensive search. At approximately 1:10 P.M., CBPO J. Romero conducted an inspection of the tractor in the area of interest. CBPO J. Romero requested Canine Enforcement Officer (CEO) Lamback screen the empty trailer with his Narcotics Detector Dog, which resulted in a positive alert at the front wall of the trailer. CBPO J. Romero found the trailer had a non-factory compartment built into the front of the trailer. CBPO J. Romero removed the screws to the false front wall of the compartment and found it to contain one hundred and twenty-two packages (122) with a total weight of nine hundred and seventeen point zero four kilograms (917.04) (2017.48 Lbs.) of marijuana. CBPO J. Romero probed a random package and pulled out a green leafy substance. CBPO J.

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Romero utilized a 908 Duguenios-Levine reagent test kit to conduct a field test of the green leafy substance removed from the packages, which tested positive for the properties of marijuana.

CBPO J. Romero contacted Immigration and Customs Enforcement (ICE) duty agents of the marijuana seizure. ICE agents responded to the commercial port of entry (POE) at approximately 2:20 P.M.

At approximately 4:30 P.M., ICE Senior Special Agents (SS/A) Timothy Meadows and Manny Martinez removed SOTO-Ulloa from the holding cell and went to the Otay Mesa Port Of Entry to conduct an interview of SOTO-Ulloa. At approximately 4:43 P.M., SS/A Meadows provided SS/A Martinez a DEA 202, Personal History form that SS/A Martinez asked SOTO-Ulloa the questions in the Spanish language and filled out the form. At approximately 4:48 P.M. SS/A Martinez provided SOTO-Ulloa with a pre-printed form in the Spanish language containing the Miranda rights. SS/A Martinez read the Miranda warnings to SOTO-Ulloa in Spanish. SOTO-Ulloa agreed to talk to agents and waived his Miranda rights and signed the pre-printed form.

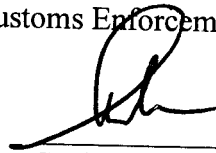
At approximately 4:51 P.M., SS/A Meadows asked questions of SOTO-Ulloa and SS/A Martinez translated them into Spanish, and then informed SS/A Meadows of the answer SOTO-Ulloa provided. SOTO-Ulloa was asked what was he smuggling into the United States. SOTO-Ulloa replied he did not know and did not ask, but said he knew it was loaded with drugs. SOTO-Ulloa was asked how much he was to be paid to smuggle the drugs. SOTO-Ulloa said he was to be paid five thousand (5,000) dollars, United States currency for the load. SOTO-Ulloa was asked where the drugs were in the tractor or trailer. SOTO-Ulloa said the drugs were in the trailer but did not know exactly where. SOTO-Ulloa was asked where was he instructed to deliver the drugs. SOTO-Ulloa said he was to park the tractor-trailer on Seimpre Viva in Otay Mesa, California and leave it. SS/A Meadows asked SOTO-Ulloa if he knew it was illegal to bring illegal drugs into the United States. SOTO-Ulloa said he knew it was illegal.

SOTO- Ulloa was arrested for violating Title 21, United States Code, Sections 952 & 960-Importation of a controlled substance and Possession of a controlled substance. He was processed and booked into the Metropolitan Correctional Center, San Diego, California, pending judicial proceedings.

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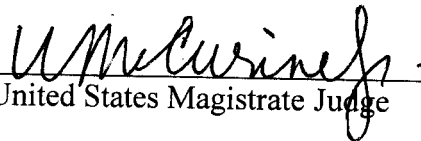
Executed on July 5, 2008 at 8:15 P.M.

Immigration and Customs Enforcement



Senior Special Agent Timothy Meadows  
Immigration and Customs Enforcement

On the basis of the facts presented in the probable cause statement consisting of three pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 5, 2008 in violation of Title 21, United States Code, Section(s) 952, 960.

  
United States Magistrate Judge

7/7/08, 0924hs  
Date/Time